



**Town of Southern Shores  
Council Meeting  
February 4, 2014**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, February 4, 2014.

**COUNCIL PRESENT:** Mayor Tom Bennett, Mayor Pro Tem Jodi Hess, Council Members David Sanders, Larry Lawhon and Leo Holland.

**COUNCIL ABSENT:** None

**OTHERS PRESENT:** Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Sheila Kane.

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a Moment of Silence.

**AMENDMENTS / APPROVAL OF AGENDA**

**MOTION:** Mayor Pro Tem Hess moved to approve the agenda as presented. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

**CONSENT AGENDA**

The Consent Agenda consisted of the following item:

- Approval of Minutes- January 7, 2014
- Approval of Minutes- January 21, 2014
- Tax Pickups & Releases

**MOTION:** Council Member Holland moved to approve the consent agenda. The motion was seconded by Council Member Lawhon. The motion passed unanimously (5-0).

[Clerk's Note: A copy of the Tax Pickups and Releases are hereby attached as Exhibit A]

**STAFF REPORTS**

Finance Officer

Finance Officer, Bonnie Swain presented the financial quarterly reports.

[Clerk's Note: A copy of the quarterly reports are hereby attached as Exhibit B]

Town Planner: Town Planner, Wes Haskett, presented his monthly report containing the following:

- Permitting and Inspections for January, 2014
- Comprehensive Bicycle and Pedestrian Plan

The second Steering Committee meeting will be held on February 19th at 3:00 and the first Public Workshop will be held the same day from 5:00 to 7:00 here in the Pitts Center. The

purpose of this workshop will be to gather public input on the current conditions for walking and bicycling in Southern Shores, and to begin discussing opportunities, challenges, and issues, as defined by the workshop participants.

– Town Planning Board Meeting

-Will be held on February 18th at 7:00 here in the Pitts Center to consider ZTA-14-01 and ZTA-14-02. Both applications were submitted by Town Staff to amend the Town's current ordinances regarding the Town Board of Adjustment and Wireless Facilities.

[Clerk's Note: A copy of the Town Planner's report is hereby attached as Exhibit C].

Police Department:

Chief Kole presented his monthly report.

Southern Shores Volunteer Fire Department:

No report.

**REPORTS FROM TOWN BOARDS**

None

**GENERAL PUBLIC COMMENT**

Lori Williams 109 Pudding Pan

The League of Women Voters rescheduled date for the NC Superintendent of Public Instruction, Dr. June Atkins visit to Dare will be April 29 at 7:00 p.m. at the First Flight High School.

**OLD BUSINESS**

Consideration of Resolution No. 2014-02-01, a "Resolution of the Town Council of the Town of Southern Shores, North Carolina Requesting the North Carolina General Assembly To Consider Adoption of Certain Legislation Authorizing the Town to acquire Property for the purposes stated in G.S. §40A-3(b1)(10) & (11) and to be able to make such Acquisitions via the Procedures allowed by G.S. § 40A-42-(a)(2)".

Mayor Bennett opened the "Public Meeting" by a stating he would like to cover some matters about the resolution that were important for the public to know:

- The resolution requests authority for the Town to acquire rights in property only to effectively perform an actual ocean beach nourishment project and only if such an actual project is ever initiated by the Town.
- There is no beach nourishment project planned at this time for the Town's ocean beach.
- There would be no need under the provisions of the sought authority for the Town to ever take actual title to any property for a future beach nourishment project.
- There is no plan by the Town to acquire title to any property that would allow the public to access the Town's ocean beach.
- There is no guarantee that the authority requested would be granted by legislature.
- Under current state law, the Town of Southern Shores already has the power of eminent domain for some 27 different infrastructure and service needs. These are things Southern Shores has been allowed to do under the law since the Town's original incorporation. Accelerated procedures for the Town's existing eminent domain authority is already available for nine (9) of those infrastructure and service needs. This authority has already been available to the Town for years since the Town's original incorporation. To the best of the Mayor's knowledge, the Town has never actually initiated any condemnation proceedings.

Mayor Bennett then stated that it is his opinion the Town is better off to anticipate and to plan for the eventual necessity of a potential beach nourishment project than to react to the need for such a project after it becomes necessary. He further stated this is one of those times that the Town has an opportunity to plan for and anticipate such a potential need - even if the Town never actually has to use it.

The Mayor turned to the Town Attorney for briefing on the legal process of the sought authority. The Town Attorney stated all municipalities in North Carolina have certain authority of eminent domain to acquire property for various purposes, either by accelerated procedure or standard procedure. The resolution that is being considered would, if enacted by the legislature, add two provisions to the Town's existing eminent domain authority, and would include those provisions within the accelerated procedure authority. Most every other coastal Town in NC already has this same authority to effectively perform protective beach nourishment projects. Temporary easements for construction and maintenance are required over only the beachfront portion of properties adjacent to a public beach nourishment project. In most cases, these temporary easements are granted by the property owners voluntarily because the project will benefit the property owner's property. In the case a property owner, after notice and negotiation, still refuses to voluntarily grant a temporary construction easement for the project however, the eminent domain accelerated procedure exists so the nourishment project can be commenced and accomplished in the narrow window of time that most beach nourishment projects are limited to.

Mayor Bennett called on public comment for the proposed resolution and the following citizens offered comment, all in opposition of the Council making the resolution request:

Gerri Sullivan, Southern Shores property owner  
Ursula Bateman, Southern Shores property owner  
Robin Morgan, Southern Shores property owner  
Jim Widmer, Southern Shores property owner  
Bruce Aitkenhead, Southern Shores property owner  
John Boyle, Southern Shores property owner  
Mary Joe Bush, Southern Shores property owner  
Candy Roberts, Southern Shores property owner  
William Roberts, Southern Shores property owner  
Susan Dineen, Southern Shores property owner  
Dana Falardeau, Southern Shores property owner  
Lillas Morrison, Southern Shores property owner  
Martin Miller, Southern Shores property owner  
Al Ewerling, Southern Shores property owner

MOTION: Following citizens' comments and Council discussion, Mayor Bennett moved to accept Resolution 2014-02-01. The motion was seconded by Council Member Lawhon. The motion passed unanimously (5-0).

[Clerk's Note: A copy of Resolution 2014-02-01 is hereby attached as Exhibit D]

## **NEW BUSINESS**

### Beach Lifeguard Activities Report for Summer 2013

Mirek Dabrowski, Surf Rescue Director presented a presentation of ocean rescue activities from the 2013 summer.

## **OTHER ITEMS**

### Town Manager's report

The Town Manager addressed several issues:

- Salmons Dredging is on the last leg of canal dredging and is due to complete the project by midnight February 15<sup>th</sup>. Due to all the snow days a fifteen (15) day extension has been applied for as a backup.
- North Dune Loop rebuild project is due to start very shortly.
- The Capital Improvement Committee (CIP) is continuing to meet to propose capital projects for FY 14-15.
- The beach grass portion of the Town's beach stabilization project involving planting and fertilizing is complete. Sea oats will be planted and fertilized in the Spring.
- Piedmont Natural Gas is seeking interest from residents who might consider converting residential appliances to natural gas.

Town Attorney:

None

Mayor's comments:

Mayor Bennett thanked the Town Attorney and Town Manager and stated in the long term he believes Council did the right thing for the Town by passing the resolution requesting eminent domain authority for beach nourishment projects..

All of Council concurred with the Mayor's comments.

Council Members' comments:

Council Member Holland stated on February 5 from 9:00 am -1:00 pm the Outer Banks Urgent Care in the Marketplace will be accepting old prescriptions medicines that need disposal.

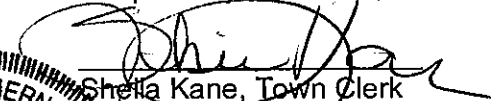
**ADJOURN**

**MOTION:** Mayor Bennett moved to adjourn. The motion was seconded by mayor Pro Tem Hess. The motion passed unanimously. The time was 8:24 p.m.

ATTEST:

  
Mayor Bennett

Respectfully submitted,

  
Sheila Kane, Town Clerk

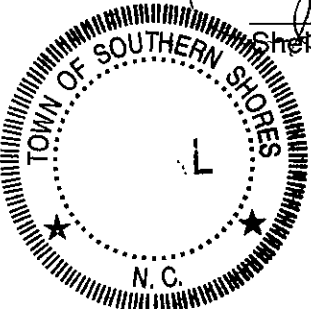


Exhibit A

**TOWN OF  
SOUTHERN  
SHORES  
TAX  
DEPARTMENT**

**2/4/2014**

**PICKUPS**

Oct. Real

\$16,619.18

**RELEASES**

Sept. Vehicles

\$55.66

Oct. Vehicles

\$36.83

Nov. Vehicles

\$231.09

Dec. Vehicles

\$20.35

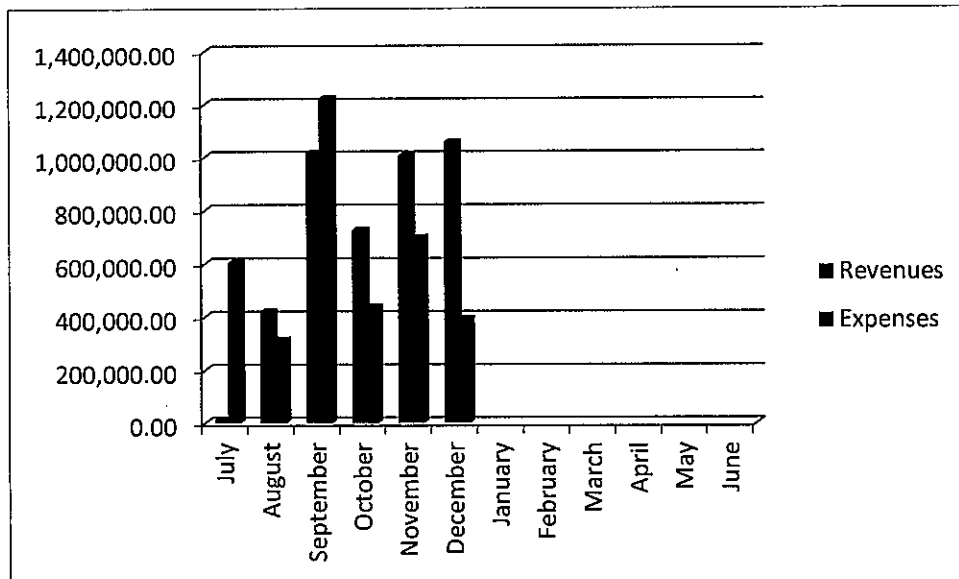
**TOTAL**

**\$0.00**

**\$343.93**

## GENERAL FUND

	<u>Revenues</u>	<u>Expenses</u>
<b>FY 13-14</b>		
July	13,268.73	603,992.91
August	422,464.75	315,406.08
September	1,016,193.24	1,223,375.50
October	726,732.72	438,016.31
November	1,004,978.75	699,106.43
December	1,057,487.79	394,647.05
January		
February		
March		
April		
May		
June		
<b>Total YTD</b>	<b>4,241,125.98</b>	<b>3,674,544.28</b>



	<b>Revenues</b>		
	<u>Current Period</u>	<u>Prior Period</u>	<u>Difference</u>
<b><u>October</u></b>			
Ad Valorem	236,970.55	201,854.62	35,115.93
Occupancy Tax	105,894.31	88,834.90	17,059.41
Sales Tax	147,791.94	110,504.53	37,287.41
Land Transfer Tax	62,591.58	40,681.35	21,910.23
Building Permits & Fees	14,490.10	2,365.00	12,125.10
Other Revenues	158,994.24	64,300.66	94,693.58
<b>Total</b>	<b>726,732.72</b>	<b>508,541.06</b>	218,191.66
<b><u>November</u></b>			
Ad Valorem	382,084.83	140,931.12	241,153.71
Occupancy Tax	0.00	33,720.05	(33,720.05)
Sales Tax	136,255.29	98,257.12	37,998.17
Building Permits & Fees	6,043.50	13,157.50	(7,114.00)
Other Revenues	28,964.13	9,606.41	19,357.72
<b>GF Total</b>	<b>553,347.75</b>	<b>295,672.20</b>	<b>257,675.55</b>
Tr in From CRF	451,631.00		
<b>Total</b>	<b>1,004,978.75</b>		
<b><u>December</u></b>			
Ad Valorem	731,779.24	963,027.50	(231,248.26)
Occupancy Tax	42,514.47	13,545.41	28,969.06
Sales Tax	85,403.27	66,966.28	18,436.99
Utilities & Franchise Tax	84,840.17	86,019.91	(1,179.74)
Building Permits & Fees	6,128.04	8,217.30	(2,089.26)
Other Revenues	106,822.60	103,285.36	3,537.24
<b>Total</b>	<b>1,057,487.79</b>	<b>1,241,061.76</b>	<b>(183,573.97)</b>
<b>Grand Total YTD</b>	<b>2,337,568.26</b>	<b>2,045,275.02</b>	<b>292,293.24</b>

	<b>Expenditures</b>		
	<u>Current Period</u>	<u>Prior Period</u>	<u>Difference</u>
<b><u>October</u></b>			
Administration	56,544.02	52,138.40	4,405.62
Police	88,038.00	92,570.41	(4,532.41)
Sanitation	130,875.26	22,371.93	108,503.33
Ocean Rescue	25,833.33	25,416.65	416.68
Streets	102,438.83	166,046.08	(63,607.25)
Public Works	20,791.13	64,149.89	(43,358.76)
Code Enforcement	13,495.74	15,167.31	(1,671.57)
<b>Total</b>	<b>438,016.31</b>	<b>437,860.67</b>	<b>155.64</b>
<b><u>November</u></b>			-
Administration	89,249.06	87,598.66	1,650.40
Police	139,017.55	126,973.72	12,043.83
Sanitation	30,133.42	101,053.49	(70,920.07)
Streets	382,011.55	138,811.90	243,199.65
Public Works	38,861.61	116,231.00	(77,369.39)
Code Enforcement	19,833.24	18,258.31	1,574.93
<b>Total</b>	<b>699,106.43</b>	<b>588,927.08</b>	<b>110,179.35</b>
<b><u>December</u></b>			-
Administration	75,096.34	60,797.74	14,298.60
Police	115,412.35	80,874.38	34,537.97
Sanitation	28,922.79	11,141.51	17,781.28
Streets	128,395.76	125,238.95	3,156.81
Public Works	32,401.55	31,191.10	1,210.45
Code Enforcement	14,418.26	13,740.76	677.50
<b>Total</b>	<b>394,647.05</b>	<b>322,984.44</b>	<b>71,662.61</b>
<b>Total YTD</b>	<b>1,531,769.79</b>	<b>1,349,772.19</b>	<b>181,997.60</b>
Trans. To CRF	856,210.00	183,395.00	672,815.00
<b>Grand Total YTD</b>	<b>2,387,979.79</b>	<b>1,533,167.19</b>	<b>854,812.60</b>



## Exhibit C

### **2-4-14 TC Report**

#### **1. Permitting and Inspections for January, 2014**

- 6 Zoning Permits were issued.
- 20 building permits were issued: 1 new single-family dwelling, 2 additions/alterations, 2 remodels and 15 others.
- 65 building inspections were conducted (39 job sites).
- 12 single-family dwellings are currently under construction
- Total amount of fees collected in January was \$5,432.00

#### **2. Comprehensive Bicycle and Pedestrian Plan**

- The second Steering Committee meeting will be held on February 19<sup>th</sup> at 3:00 and the first Public Workshop will be held the same day from 5:00 to 7:00 here in the Pitts Center. The purpose of this workshop will be to gather public input on the current conditions for walking and bicycling in Southern Shores, and to begin discussing opportunities, challenges, and issues, as defined by the workshop participants.

#### **3. Town Planning Board Meeting**

- Will be held on February 18<sup>th</sup> at 7:00 here in the Pitts Center to consider ZTA-14-01 and ZTA-14-02. Both applications were submitted by Town Staff to amend the Town's current ordinances regarding the Town Board of Adjustment and Wireless Facilities.

# **Town of Southern Shores**

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

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**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES,  
NORTH CAROLINA REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY TO  
CONSIDER ADOPTION OF CERTAIN LEGISLATION AUTHORIZING THE TOWN TO  
ACQUIRE PROPERTY FOR THE PURPOSES STATED IN G.S. §40A-3(b1)(10) & (11) AND TO  
BE ABLE TO MAKE SUCH ACQUISITIONS VIA THE PROCEDURES ALLOWED BY G.S.  
§40A-42(a)(2)**

**(Resolution #2014-02-01)**

**WHEREAS**, the Town of Southern Shores (the "Town") is located adjacent to the Atlantic Ocean; and

**WHEREAS**, due to erosion, both constant and sudden, the Town may at some point in the future desire or require to construct beach erosion control or flood and hurricane protection works, including beach renourishment upon the ocean beaches located within the Town (collectively "Beach Protection"); and

**WHEREAS**, the Town may in the future engage in or participate with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving beach protection including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment; and

**WHEREAS**, the Town finds that it may need to obtain property by purchase, gift or condemnation to execute a future beach protection project due to the need for easements or otherwise for the purposes stated in G.S. §40A-3(b1)(10) and (11); and

**WHEREAS**, the Town finds that the timeliness of obtaining property via easements or otherwise for beach protection could have a substantial effect upon the viability of a beach protection project; and

**WHEREAS**, the Town finds that it is in the interest of the public's health, safety, morals and general welfare that the Town have the option in the future to acquire property for the purposes of a beach nourishment project as stated in G.S. §40A-3(b1)(10) and (11), and to be able to do so, if necessary to accomplish the project in a timely manner, via the accelerated condemnation procedures allowed for by G.S. §40A-42(a)(2).

**NOW, THEREFORE BE IT RESOLVED**, the Town Council hereby respectfully requests that the North Carolina General Assembly consider and pass the attached proposed act entitled as follows:

“AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO ACQUIRE PROPERTY FOR THE PURPOSES STATED IN G.S. 40A-3(b1)(10) and (11) AND TO BE ABLE TO MAKE SUCH ACQUISITIONS VIA THE PROCEDURES ALLOWED BY G.S. 40A-42-(a)(2).”

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Tom Bennett, Mayor

Attest:

\_\_\_\_\_  
Sheila Kane, Town Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2014

SESSION LAW 2014-\_\_  
BILL \_\_

AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO ACQUIRE PROPERTY FOR THE PURPOSES STATED IN G.S. 40A-3(b1)(10) and (11) AND TO BE ABLE TO MAKE SUCH ACQUISITIONS VIA THE PROCEDURES ALLOWED BY G.S. 40A-42(a)(2).”.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 40A-3(b1) is amended by modifying the last sentence to read:

...

This subsection applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Southern Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island.

**SECTION 2.** G.S. 40A-42(a)(2) is amended by modifying the last sentence to read:

...

This subdivision applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Southern Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island.

**SECTION 3.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House of Representatives